

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:19-CR-00367-1 ERW
)	
v.)	
)	
JOHN RALLO,)	
)	
Defendant.)	

**DEFENDANT'S FIRST AMENDED MOTION FOR
COMPASSIONATE RELEASE UNDER 18 USC § 3582(c)(1)(A)(i)**

Comes now Defendant, John Rallo, by and through counsel, The Limbaugh Firm, and for his First Amended Motion for Compassionate Release, states to the Court as follows:

1. The United States Probation Office's response to Mr. Rallo's original motion for compassionate release included, as part of its recommendation, that Mr. Rallo's motion should be denied because Mr. Rallo's letter to the Warden was submitted before he began his period of incarceration.

2. Mr. Rallo resubmitted a request for administrative release from the Bureau of Prisons through a second written request on July 7, 2020.

3. That second request for release has not been ruled on by the Warden and more than 30 days have passed since the Warden's receipt of Mr. Rallo's second written request. This Honorable Court has jurisdiction to consider Mr. Rallo's First Amended Motion pursuant to 18 USC § 3582 (c)(1)(A)(i).

4. The United States Probation Office notes, as part of its recommendation, that Mr. Rallo's history of thyroid cancer may put him at a greater risk if he were to contract Covid-19.

5. On August 2, 2020, Mr. Rallo tested positive for Covid-19.

6. Mr. Rallo was seriously ill for several days and continues to experience symptoms primarily related with breathing difficulty. Mr. Rallo's cell mate contracted Covid-19 and died from complications of the coronavirus.

7. Mr. Rallo is at a greater risk of complications from the coronavirus due to his pre-existing condition for thyroid cancer and the genetic blood mutation known as Methylenetetrahydrofolate Reductase (MTHFR).

8. Although Mr. Rallo is now receiving his prescribed medicine, he has not received the follow up care recommended by his private physician. This care includes blood panels and scans to determine whether Mr. Rallo's cancer has returned or spread to other parts of his body. The early detection of the return or spread of cancer is critical to successful treatment.

9. The prison camp at Marion is on continuous lock down due to the spread of Covid-19 throughout the facility. 103 out of 126 inmates have tested positive for Covid-19.

10. Although this Honorable Court recommended placement of Mr. Rallo in a prison camp, the conditions and restrictions at Marion are similar to a medium to high secure facility.

11. Mr. Rallo is eligible for release under the new policy at Marion:

- a) Mr. Rallo is over the age of 50;
- b) Mr. Rallo has underlying health concerns;
- c) Mr. Rallo is considered a "Minimum – minimum" inmate, in that:
 - i) He has a minimum sentence (under 18 months)
 - ii) He has a minimum offense (non-violent and non-sexual)
 - iii) He is serving his sentence at a minimum security facility.

12. Mr. Rallo's request is not an attempt to avoid serving his sentence but instead, is a request to serve his sentence in home confinement so he can receive the medical care he needs

and serve his confinement in an environment that will not place him in a greater likelihood of illness or death due to his preexisting medical conditions.

13. Mr. Rallo has submitted a home plan to the United States Probation office which would include residing with his wife and two youngest children at their home in Cottonwood Heights, Utah.

WHEREFORE, for the above stated reasons, Defendant respectfully requests that this Honorable Court enter an order releasing Defendant on time served and placing Defendant on Supervised Release with special conditions of home confinement for the remaining length of his sentence, the location monitoring program and for such other conditions as this Honorable Court deems appropriate under the circumstances.

Respectfully Submitted,

By: /s/Curtis O. Poore
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2020 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to the attorneys of record in this case.

/s/ Curtis O. Poore